

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ESTATE OF JAMES SWAN,

Plaintiff,

v.

WESTFIELD INSURANCE
COMPANY,

Defendant.

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Case No. 3:07-CV-69 JVB

ORDER

On December 5, 2008, Magistrate Judge Christopher A. Nuechterlein issued a Report and Recommendation on Plaintiffs' Motion for Summary Judgment and Defendant's Cross Motion for Summary Judgment. In his Report and Recommendation, Judge Nuechterlein recommended that Plaintiff's Motion for Summary Judgment be denied and that Defendant's Cross Motion for Summary Judgment be granted.

On December 19, 2008, Plaintiff filed Objections to the Report and Recommendation. In its objections, Plaintiff reiterated the arguments it made in its previous briefs. No new arguments were made. The Court held a hearing on Friday, September 18, 2009, and both the Plaintiff and Defendant had an opportunity to make arguments. Upon review of the pleadings and motions filed in this case, it is the Court's finding that Judge Nuechterlein's Report and Recommendation should be accepted.

Accordingly, the Court now accepts Judge Nuechterlein's Report and Recommendation.

SO ORDERED on September 25, 2009.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE